

Notice of Allowability

Application No.

09/271,247

Examiner

Justin P. Misleh

Applicant(s)

SATOH, MAKOTO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 24 July 2006.
2. ☒ The allowed claim(s) is/are 25, 26, 28 - 37, and 39 - 48 (now renumbered 1, 2, 4, 5, 7, 6, 8, 3, 9, 10, 12 - 21, 11, and 22, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mark A. Williamson on 25 September 2006.
3. The application has been amended as follows:

CLAIMS

- Please delete Claims 1 – 24, 27, and 38.
- Please delete and replace Claim 25 with the following:

“An image transmission apparatus comprising:

transfer means for transferring to an external apparatus data amount information indicating the amount of target image data and information of a priority order of the target image data, the information of the priority order reflecting an order of transmission of the target image data intended by a first user and being input by the first user in the image transmission apparatus;

reception means for receiving from the external apparatus a response signal indicating whether or not the external apparatus will accept transmission of the target image data in accordance with the data amount information, the information of priority order, and a free storage capacity of storage means to store the target image data in the external apparatus, the response signal including

information of image data selected by a second user input at the external apparatus based on the data amount information and the information of the priority order;

control means for controlling transmission of the target image data in accordance with the response signal received by said reception means indicating whether or not the external apparatus will accept transmission of the target image data; and

wherein said image transmission apparatus is a digital camera.”

- Please delete and replace Claim 36 with the following:

“An image reception apparatus comprising:

reception means for receiving from an external apparatus a transfer including data amount information indicating the amount of target image data and information of a priority order of the target image data to be received from the external apparatus, the information of the priority order reflecting an order of transmission of the target image data intended by a first user and being input by the first user in the external apparatus;

detection means for detecting the free storage capacity of storage means for storing the target image data;

output means for outputting an indication on a screen indicating acceptance to receive the target image data in accordance with the data amount information, the information of priority order and the free storage capacity;

transmission means for transmitting to the external apparatus a signal indicating whether or not the target image data is accepted, wherein the signal includes information of image data selected by a second user input based on the data amount information, the information of priority order, and the free storage capacity;

image reception means for transmitting to the external apparatus the signal indicating whether or not the external apparatus is permitted to transmit the target image data, and for receiving the target image data transmitted by the external apparatus in response to the signal transmitted by said image reception means; and

wherein said image reception apparatus is a digital camera.”

- Please delete and replace Claim 33 with the following:

“An image transmission apparatus according to Claim 25, further comprising:

photographing means for photographing images, said photographing means being capable of photographing during the transmission of the image data.”

Allowable Subject Matter

4. **Claims 25, 26, 28 – 37, and 39 – 48 (now renumbered 1, 2, 4, 5, 7, 6, 8, 3, 9, 10, 12 – 21, 11, and 22, respectively) are allowed.**

5. The following is an examiner’s statement of reasons for allowance:

The closest prior art teaches of corresponding image transmission and reception apparatuses including corresponding transfer and reception means for respectively transferring

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and receiving target image data having a priority order, wherein the reception means decides to accept the transfer of a selected portion of the target image data based on information of the amount of target image data, information of the priority order, and a free storage capacity in the image reception apparatus; however,

the closest prior art does not teach or fairly suggest wherein the image transmission apparatus and the image reception apparatus are both digital cameras such that a user at the transmitting digital camera determines the prior order (order of image data transmission) using inputs in the transmitting digital camera, and wherein a user at the receiving digital camera selects the image data to actually be transferred at least based upon the amount of target image data and the priority order (as determined by transmitting user).

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

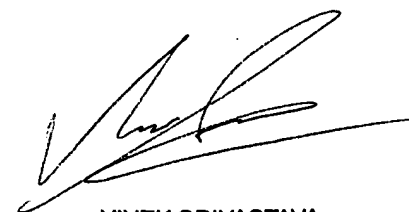
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

September 26, 2006



VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600